

Ghana

*Transmitted by a note verbale dated 17 September 1963
of the Minister of Foreign Affairs of Ghana*

A. TREATIES

EXCHANGE OF LETTERS BETWEEN THE UNITED KINGDOM OF GREAT
BRITAIN AND NORTHERN IRELAND AND GHANA RELATIVE TO THE
INHERITANCE OF INTERNATIONAL RIGHTS AND OBLIGATIONS BY THE
GOVERNMENT OF GHANA. ACCRA, 25 NOVEMBER 1957¹

. . .

(i) All obligations and responsibilities of the Government of the United Kingdom which arise from any valid international instrument shall henceforth, in so far as such instrument may be held to have application to Ghana, be assumed by the Government of Ghana;

(ii) The rights and benefits heretofore enjoyed by the Government of the United Kingdom in virtue of the application of any such international instrument to the Gold Coast shall henceforth be enjoyed by the Government of Ghana.

B. LAWS AND DECREES

GHANA (CONSTITUTION) ORDER IN COUNCIL, 1957²

PART I

Preliminary

. . .

3. (1) The Gold Coast (Constitution) Order in Council, 1954³ as amended by the Gold Coast (Constitution) (Amendment) Order in Council, 1955⁴, the Gold Coast (Constitution) (Amendment No. 2) Order in Council, 1955⁵ and the Gold Coast (Constitution) (Amendment) Order in Council, 1956⁶ is revoked to the extent set out in the second column of Part I of the First Schedule to this Order, but without prejudice to anything lawfully done thereunder.

(2) The amendments set out in Part II to the First Schedule to this Order shall be effected to the Fourth Schedule of the said Gold Coast (Constitution) Order in Council, 1954.

(3) The Northern Territories of the Gold Coast Orders in Council, 1950 and 1954⁷ and the Togoland under United Kingdom Trusteeship Orders in Council, 1949 to 1954⁸ shall cease to have effect but without prejudice to anything lawfully done thereunder.

¹ United Nations, *Treaty Series*, vol. 287, p. 233. Came into force on 25 November 1957.

² Statutory Instruments [hereinafter cited as S.I.], 1957, No. 1. Sections 77, 90, 91 and Second Schedule came into operation on 23 February 1957, and the remainder on 6 March 1957, the day on which the Gold Coast attained fully responsible status within the British Commonwealth under the name of Ghana.

³ S.I. 1954/551; 1954 II, p. 2788.

⁴ S.I. 1955/1218; 1955 II, p. 3150.

⁵ S.I. 1956/1219; 1955 II, p. 3156.

⁶ S.I. 1956/997.

⁷ S.I. 1950/2095; 1950 II, p. 96. S.I. 1954/553; 1954 II, p. 2825.

⁸ S.I. 1949/1997; 1949 I, p. 1892. S.I. 1950/2096; 1950 II, p. 1036. S.I. 1954/552; 1954 II, p. 2827.

(4) The continued operation of any law in force in Ghana or any part thereof immediately before the appointed day shall not be affected by reason only of the provisions of this section.

(5) The jurisdiction of any court, having jurisdiction before the appointed day in any part of Ghana, shall not be affected by reason only of the provisions of this section.

.
PART VIII

Finance

58. The Funds of Ghana not allocated by law to specific purposes shall form one Consolidated Fund into which shall be paid the produce of all taxes, imposts, rates and duties and all other revenues of Ghana not allocated to specific purposes.

.
PART XI

Transitional Provisions

.
74. (1) Save as otherwise provided by this Order, any person appointed to any office under the provisions of the existing Orders and holding that office immediately prior to the appointed day shall be deemed to have been duly appointed thereto in pursuance of this Order.

.
75. All compensation, pensions, gratuities and other like allowances granted in accordance with the provisions of section 58 and the Fourth Schedule of the Gold Coast (Constitution) Order in Council, 1954 shall be charged on and paid out of the Consolidated Fund.

76. (1) On and after the appointed day, the Supreme Court of the Gold Coast shall be known as the Supreme Court of Ghana and such Court shall, subject to any law for the time being in force, continue to have throughout Ghana the same jurisdiction and powers as heretofore.

.
(3) The Chief Justice and other Judges of the Supreme Court appointed to office prior to the appointed day and in office on that date shall, subject to the provisions of section 77 of this Order, be deemed to have been duly appointed to the Supreme Court of Ghana

77. (1) The provisions contained in the Second Schedule to this Order shall apply to the Judges (including the Chief Justice) referred to in the said Schedule in respect of their retirement from office and the grant to them of compensation, pensions, gratuities and other like allowances.

(2) All compensation, pensions, gratuities and other like allowances granted in accordance with the provisions of subsection (1) of this section and the Second Schedule shall be charged on and paid out of the Consolidated Fund.

.
80. Where any Ordinance or other instrument of a legislative character was, prior to the appointed day, enacted or made and the coming into operation thereof was suspended, such Ordinance or instrument may, on or after the appointed day, come into operation on the date specified therein or as may be specified by the Governor-General or other authority empowered to bring it into operation and in such case, the Ordinance or instrument shall from that date take effect as part of the law of Ghana.

81. Save as expressly provided by this Order, nothing in this Order shall be construed as affecting the validity or continued operation of any Proclamation, Order, Regulation or other instrument made under the existing Orders and in force immediately prior to the appointed day without prejudice however to any power to amend, revoke or replace the same.

89. The Governor-General may, before the expiry of a period of one year from the appointed day, by proclamation published in the *Gazette* make such provision as he is satisfied is necessary or expedient in consequence of the provisions of this Order, for modifying, adding to or adapting any law which refers, in whatever terms to the Governor or to any public officer or authority, or otherwise for bringing any law into accord with the provisions of this Order and of the existing Orders, as amended by this Order, or for giving effect to those provisions.

THE FIRST SCHEDULE

(Section 3)

PART I

COLUMN 1	COLUMN 2
<i>Orders</i>	<i>Extent of Revocation</i>
The Gold Coast (Constitution) Order in Council, 1954 ¹ as amended by the Gold Coast (Constitution) (Amendment) Order in Council, 1955, ² the Gold Coast (Constitution) (Amendment No. 2) Order in Council, 1955, ³ and the Gold Coast (Constitution) (Amendment) Order in Council, 1956. ⁴	Sections 4 to 55. Section 59. Subsections (1), (2), (3) and (4) of section 60. Sections 61 to 69. The words "and the provisions of section 6 of this Order shall apply accordingly to the exercise of such functions" where they occur in section 70. Sections 71 to 73. The First, Second and Third Schedules.

PART II

Amendments to the Fourth Schedule to the Gold Coast (Constitution) Order in Council, 1954

3. The following new paragraph shall be inserted immediately after paragraph 17 —

"18 (a) An overseas officer, who substantively held a public office on pensionable terms on the day immediately prior to the date of commencement of the Ghana Independence Act, 1957, which office ceased to exist on such date by virtue of the revocation of the Gold

¹ S.I. 1954/551; 1954 II, p. 2788.

² S.I. 1955/1218; 1955 II, p. 3150.

³ S.I. 1955/1219; 1955 II, p. 3156.

⁴ S.I. 1956/997.

Coast Colony and Ashanti Letters Patent, 1954 and 1955, shall retire on the date at which any unexpired leave earned at such date expires.

“(b) An officer to whom sub-paragraph (a) of this paragraph applies shall be entitled on the date of his retirement to such pension and gratuity or to such gratuity as an ‘entitled officer’ is eligible to receive and in addition at his option either to compensatory pension or to compensation for loss of career.

“ . . . ”

THE SECOND SCHEDULE

(Section 77)

[Text not reproduced here. This Schedule contains detailed provisions relating to the entitlement of certain overseas officers (who were appointed, on or before 4 May 1954, Judges of the Supreme Court of the Gold Coast) to the compensatory pension, compensation for loss of career, earned pension or gratuity and so forth.]

Guatemala

Transmitted by a letter dated 10 January 1963 of the Permanent Mission to the United Nations¹

OBSERVATIONS

[Requirements for recognition of new States and Governments]

1. In the course of the past few years the Government of Guatemala has recognized new States in a simple and straightforward manner, in no case imposing any conditions and, in the case of recognition of new States in succession to others, stipulating only the satisfaction of the requirements which have traditionally been considered essential for that purpose and abiding as a general rule by the declaratory doctrine.

2. The essential elements for the existence of a State have been considered to be that the State should possess the following:

- (a) The human element, in the form of a distinct population;
- (b) Its own territory;
- (c) A constituted Government;
- (d) Economic resources;
- (e) A complete legal system;
- (f) Independence and the capacity to enter into relations with other States.

3. In the case of recognition of Governments, Guatemala has likewise granted such recognition without imposing any obligations or securing any special advantages, confining itself to simple recognition and stipulating only that the requirements which have traditionally been considered essential for that purpose should be satisfied in each case.

4. Guatemala has maintained the traditional view that the recognition of new Governments requires that such entities should be able to show the following characteristics:

¹ Original Spanish. Translation by the Secretariat of the United Nations.